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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,850	12/15/2005	Donald L. Smith Jr.	P03027US2ABENT	2101
48985 7590 01/22/2010 BRIDGESTONE AMERICAS, INC. 1200 FIRESTONE PARKWAY AKRON, OH 44317				
EXAMINER				
HEINRICH, SAMUEL M				
ART UNIT		PAPER NUMBER		
3742				
NOTIFICATION DATE		DELIVERY MODE		
01/22/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

iplawpat@bfusa.com

Office Action Summary

Application No.

10/560,850

Applicant(s)

SMITH JR. ET AL.

Examiner

Samuel M. Heinrich

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,603,796 to Baker in view of USPN 5,325,582 to Glaser et al in view of USPN 4,304,981 to Gappa.

Baker describes well known laser marking of vehicle tires, but does not describe the instant claimed first reader or the positioning mechanism.

Glaser et al describe (column 3, lines 44+) well known plural stations, such as bar code or inscription inspection, and a visual inspection station and a laser etching

station. Glaser describes (e.g., Abstract) products which are identified by a bar code or similar inscription.

Gappa describes (Abstract) a well known inspection station and the subsequent marking station.

The instant claimed combination of laser, stations, and control, for marking a vehicle tire, would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art because automated inspection and marking provides efficient processing.

With respect to (WRT) claim 6, the instant claimed barcode information would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art because numerous different tires and tire manufacturers are available for processing.

WRT claims 8-10, human readable indicia comprises a limitation such as size, however change in size does not impart patentability to a feature.

WRT claim 11, a 2D symbol is a change in shape of indicia described by Baker.

WRT claim 12, the workpiece limitation does not provide positive structure to the apparatus.

WRT claims 16 and 17, the marking of Baker is machine readable.

WRT claim 18, Glaser describes bar code and subsequent visual inspection.

WRT claim 19, use of physical characteristics of a workpiece for subsequent processing is well known for proper processing.

WRT claim 20, Baker shows (Front Page) a laser beam which is perpendicular to the workpiece surface and which provides engraving at some correct focal length.

Claims 2 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,603,796 to Baker in view of USPN 5,325,582 to Glaser et al in view of USPN 4,304,981 to Gappa as applied to claims 1 and 13 above, and further in view of US20040188399A1 to Smart.

Smart describes [0043] well known laser material processing such as marking and describes [0111] well known XYZ motion control of the laser head.

The use of an XYZ laser applicator would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art because the XYZ apparatus provides rapid marking.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,603,796 to Baker in view of USPN 5,325,582 to Glaser et al in view of USPN 4,304,981 to Gappa as applied to claim 1 above, and further in view of US20050263498A1 to Hiramatsu.

Hiramatsu describes [0088] use of a camera for reading a positioning mark and the use thereof would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art because it provides automated processing.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,603,796 to Baker in view of USPN 5,325,582 to Glaser et al in view of USPN 4,304,981 to Gappa in view of US20050263498A1 to Hiramatsu as applied to claim 3 above, and further in view of USPN 5,226,361 to Grant et al.

Grant et al describe (Abstract) well known automated marking, inspecting, and handling comprising vision system for inspecting, aligning, marking, further inspecting, and accepting or rejecting devices and the use of a second camera would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art because it provides fast automated processing.

Claims 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,603,796 to Baker in view of USPN 5,325,582 to Glaser et al in view of USPN 4,304,981 to Gappa in view of US20050263498A1 to Hiramatsu in view of USPN 5,226,361 to Grant et al as applied to claim 4 above, and further in view of USPN 4,564,737 to Burke et al.

Burke et al describe (Front Page) well known reading of a workpiece which is rotated for subsequent processing and the use thereof would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art because it provides rapid layout and processing of tires.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,603,796 to Baker in view of USPN 5,325,582 to Glaser et al in view of USPN 4,304,981 to Gappa as applied to claim 13 above, and further in view of USPN 4,564,737 to Burke et al.

Burke et al describe (Front Page) well known reading of a workpiece which is rotated for subsequent processing and the use thereof would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art because it provides rapid layout and processing of tires.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant's Exhibit A and Exhibit B have been received. Applicant describes the spelling of "barcode" to be well known. The examiner did not find "barcode" in the Webster's Ninth New College Dictionary, and the examiner did find "bar code" in the Webster's Ninth New College Dictionary. However, Applicant's submission of numerous citations provide evidence that the term "barcode" is well accepted in the art.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel M. Heinrich whose telephone number is 571-272-1175. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu B. Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Samuel M Heinrich/
Primary Examiner, Art Unit 3742